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PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

1. The present report is submitted in accordance with the Secretary-General's undertaking of 5 December (S/1996/1010, para. 33) to report again in one month on the issue of compliance by the parties with the provisions of the ceasefire agreement and on possible results of the meetings between Tajik President Emomali S. Rakhmonov and Mr. S. Abdullo Nuri, leader of the United Tajik Opposition (UTO).

I. PROGRESS OF NEGOTIATIONS

2. Since early December, the Government of Tajikistan and the UTO have made progress in their negotiations. On 10 and 11 December, President Rakhmonov and Mr. Nuri met in Khusdeh, northern Afghanistan, for a preliminary meeting prior to a summit meeting to be held in Moscow. President Burhanuddin Rabbani of the Islamic State of Afghanistan and the Special Representative of the Secretary-General for Tajikistan, Mr. Gerd Merrem, were also present. Two documents were signed at Khusdeh: a joint statement informing the public about the main agreements reached during the talks and also containing an appeal for the extension of the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) (annex I); and an agreement on the restoration of the ceasefire (annex II). The latter provides for the cessation of armed hostilities as of midnight on 12 December, the disengagement of forces in the Tavildara sector, the removal of all military posts from the Dushanbe-Jirgatal road, and the release by the UTO of government servicemen taken prisoner in the course of the latest events in the Tavildara and Karategin Valley areas. UNMOT is requested in the agreement to deploy military observers on both sides of the separation area in the Tavildara sector; to assist, together with the International Committee of the Red Cross (ICRC), in the release of prisoners of war; and to facilitate the controlling and monitoring role of the Joint Commission, the main body entrusted with the implementation of the agreement.

3. President Rakhmonov and Mr. Nuri also initialled the text of a draft agreement to be signed at the formal meeting in Moscow. Its main points are the completion, by 1 July 1997, of all documents provided for in the protocol on the

fundamental principles for establishing peace and national accord of 17 August 1995 (S/1995/720, annex), and the conclusion of the inter-Tajik talks within 12 to 18 months; the establishment of a commission on national reconciliation for the transition period under the chairmanship of a UTO representative; general amnesty; full exchange of prisoners of war and detainees; and the extension of the ceasefire agreement for the duration of inter-Tajik talks (see S/1996/1070, annex I).

4. The summit meeting between President Rakhmonov and Mr. Nuri began in Moscow on 21 December. On 23 December, the two leaders signed two documents. The first document was the agreement initialled at Khusdeh. The second document was a protocol that defines the functions and the powers of the commission on national reconciliation (see S/1996/1070, annex II). That protocol, which forms an integral part of the Khusdeh agreement, was drafted with the participation of the Russian Federation in close consultation with Special Representative Merrem. The parties further agreed that the next round of inter-Tajik talks would begin in Tehran on 5 January 1997.

5. The Tehran talks began after a one-day delay on 6 January and lasted until 19 January. The two parties achieved progress on the statute of the commission of national reconciliation. Two important elements remain unresolved: the allocation of seats on the commission to the parties and independent persons, and appropriate security guarantees for the UTO members. The two sides agreed to continue work on a compromise proposal suggested by the United Nations.

6. The parties also signed a protocol on refugees (annex III), and discussed in detail a protocol on political problems, both provided for in the protocol of 17 August 1995 (see S/1995/720, annex). As regards the protocol on political problems, the parties initialled their agreement on three out of four substantive issues. These were mutual forgiveness and amnesty; participation by the UTO in the central electoral commission; and the mechanism of integration of UTO representatives to the Government during the transitional period. The parties failed to reach agreement, however, on the modalities and conditions of reforming military/political movements into political parties and of lifting a ban on their activities.

7. At the closing ceremony on 19 January, the two delegations issued a joint statement on the progress achieved during the round of talks (annex IV), agreeing to meet again on 26 February in either Moscow or Tehran, where, in addition to the remaining political issues, the parties would discuss the protocol on military issues provided for in the protocol of 17 August 1995.

II. DEVELOPMENTS IN TAJIKISTAN

8. When the two leaders met in northern Afghanistan in mid-December, fighting was ongoing in the Tavildara sector and in the Karategin Valley. Following the Khusdeh ceasefire agreement, the fighting came to a halt in the Tavildara sector and sections of the Karategin Valley. An exception was Garm, where the opposition forces continued to attack government troops whom they had encircled at the airport. These attacks ceased on 15 December, as a delegation arrived in Dushanbe from UTO headquarters in Taloqan, northern Afghanistan, to secure full

adherence to the ceasefire by opposition field commanders. Since then, and as of the time of writing, no major fighting has been reported between government and opposition forces in the country, although the situation remained tense owing to rumours of redeployments by both sides as well as the serious incidents described below.

9. Following requests by both the Government and opposition to UNMOT for on-the-ground support of the ceasefire accord reached at Khusdeh, and after assurances of security by both sides, two UNMOT teams set out for Garm on 15 December in a convoy with a Tajik Deputy Minister of the Interior and four members of the Joint Commission, two from each side. At the Sari Pul checkpoint at the southern approach to Garm, however, the UNMOT military observers were stopped by government soldiers, physically harassed, their lives threatened and their equipment stolen. They managed to escape when the attention of the checkpoint commander was distracted by an oncoming vehicle; they reached Garm the following day by another route. UNMOT protested strongly to the Government at this second instance of harassment of its personnel two weeks after a similar incident at Chorsada checkpoint. The Government apologized for the incident.

10. The UTO delegation from Taloqan was headed by Mr. Davlat Usmon, the Chief of Military Staff, and arrived in Garm on 17 December. He met with opposition field commanders present in the Karategin Valley and briefed them on the outcome of the preliminary meeting between President Rakhmonov and Mr. Nuri, with a view to securing effective implementation of the ceasefire agreement. Tensions in the valley greatly subsided as a result of the meetings and as a gesture of goodwill opposition commanders released several government servicemen they had been holding prisoner.

11. On 20 December, a five-vehicle convoy travelling from Garm to Dushanbe was taken hostage by an armed group and held in a hamlet called Kalainav, five kilometres west of Obigarm. Twenty-three persons were travelling in the convoy, including members of the Joint Commission from both sides, government officials and servicemen, and nine United Nations personnel, of whom seven were military observers and two local staff. The leader of the armed group claimed to be acting in the name of Commander Rizvon Saidov, a former opposition field commander who had recently joined the Government. The group demanded the release by the UTO of Mr. Saidov's brother and three others in return for the hostages.

12. Following intensive negotiations by the Government, the opposition and UNMOT, the group released the hostages the next day, except for the two opposition members of the Joint Commission who were to be exchanged for the four prisoners who were being held by a regional opposition commander in the Tavildara sector. One United Nations military observer stayed behind in Kalainav to provide communications. Subsequently it became known that of the four prisoners, one had died and another had been freed some time ago. Following direct orders from Mr. Nuri, the opposition field commander agreed to release the remaining two in exchange for the two members of the Joint Commission. The exchange finally took place on 26 December.

13. In Dushanbe, serious acts of violence undermined security in the capital. In mid-December, three bombs exploded in the centre of town. One, in the post

office, resulted in the death of several people. Two other bombs exploded in the same vicinity. No one has claimed responsibility for the bombs and President Rakhmonov has publicly stated that he did not believe the opposition was responsible. In early January two Tajik security officers were murdered and four Russian servicemen lost their lives to what is believed to have been terrorist acts.

14. On 8 January 1997, in Tursunzade, the Commander of the Government's Rapid Reaction Brigade, together with some 200 soldiers loyal to him, encircled the security forces of the Mayor of Tursunzade, demanding the reinstatement of the former Mayor and the return of military equipment allegedly stolen from the Brigade's headquarters near Kurgan-Tyube. Despite an order by President Rakhmonov for the Brigade to return to base, fighting broke out between the two forces in the morning of 9 December, resulting in the take-over of Tursunzade's administrative building by the Rapid Reaction Brigade. The Mayor fled the town. The President then instructed the commander of the Presidential Guard to send troops to protect the aluminium plant in the town. As the Presidential Guard forces approached the town, they were blocked from entering by a demonstration of some 400 townspeople, mostly women. The President ordered the Presidential Guard to withdraw. At the time of writing, the situation in Tursunzade, which has been the site of disturbances in the past, remained unsettled.

15. As the talks in Tehran neared conclusion, on 18 January a demonstration was held in Khujand demanding the inclusion of representatives from the National Renaissance Block (founded by three former Prime Ministers from the region) in the commission of national reconciliation. The demonstration ended peacefully the following day after a protocol was signed between representatives of the demonstrators and the local government authorities. According to the protocol, a message is to be sent to President Rakhmonov by the local government authority, urging him to meet with the leader of the Block, Mr. Abdullajanov, to incorporate the interests of all political parties and movements in the next round of inter-Tajik talks.

16. In the Karategin Valley and the Tavildara sector, tense calm prevailed, pending the outcome of the Tehran talks. Government representatives and the UTO delegation led by Mr. Usmon continued their contacts and agreed on the removal of all checkpoints along the Garm-Dushanbe road and the opening of the road to all civilian traffic. On 16 January, the Government confirmed that the opposition had released all its servicemen taken prisoner during fighting in November and December, in accordance with the agreement reached in northern Afghanistan.

17. However, the activity of armed groups, notably that led by Rizvon Saidov, who are not under effective control of either the Government or the UTO continued to pose a serious obstacle. In addition, a large number of anti-personnel mines, insufficiently charted and currently covered by snow, pose a serious hazard.

18. In these circumstances, UNMOT continued to operate with a limited deployment. It maintained a strengthened team in Garm to support the contacts between Government and UTO and maintained its offices in Khorog and in Taloqan,

northern Afghanistan. It also carried out patrols from Dushanbe, including one to Tursunzade in connection with the recent disturbances there.

III. OBSERVATIONS

19. The agreement reached in Moscow has broken the long impasse that had existed between the parties on the main political issues. It represents a qualitative change for the better, provided it is carried out as written. It was to be hoped that the Tehran talks would bring more progress in that regard. However, there is no question that a step forward has been made since last month.

20. The situation in Tajikistan remains extremely fluid. It is never easy to overcome the enmity and mistrust created in years of armed conflict and there are elements on both sides who believe that their interests are better served by continued fighting. The Secretary-General views the harassment of United Nations personnel last month in this light. However, the agreements reached between the two sides have given new impetus to efforts aimed at achieving reconciliation, efforts that require the international community's vigorous support.

21. The agreements reached between the two sides entail new tasks for UNMOT. As regards the maintenance of the ceasefire, the implementation of the Khusdeh agreement will result in central Tajikistan becoming more than before the focus of activities for UNMOT military observers. UNMOT will carry out its responsibilities in this regard to the extent that its essential security requirements are met. Concerning cooperation with the Commission on National Reconciliation, Mr. Merrem will be pursuing with the parties the question of the practical implications this will have for the United Nations.

22. With reference to paragraph 6 of Security Council resolution 1089 (1996) of 13 December 1996, the Secretary-General is recommending no changes in the nature and size of the United Nations presence in Tajikistan at this stage. He will, of course, keep the situation under review and revert to the Council in due course.

Annex I

Joint statement issued by the President of Tajikistan and the leader of the United Tajik Opposition

We, having met on 10 and 11 December 1996 in northern Afghanistan, have agreed, in the presence of the President of the Islamic State of Afghanistan, Professor Burhanuddin Rabbani and the Special Representative of the Secretary-General of the United Nations for Tajikistan, Mr. G. D. Merrem, to meet on 19 December 1996 in Moscow. The aim of the meeting will be to resolve issues related to the Tajiks' fate through negotiation and consolidation in order to get our suffering people out of their deep difficulties and to achieve national reconciliation in the country. To that end, we are concluding an agreement proclaiming the establishment of a council on national reconciliation. Meanwhile, we express our intention to announce a ceasefire for the entire period of the inter-Tajik talks.

During our meeting in Afghanistan we also signed a protocol aimed at halting the fighting as well as restoring the work of the hukumats (executive committees) and official structures in the Karategin and Tavildara areas.

We hope that the documents prepared by us will define the most appropriate way towards national accord and mutual confidence and lay the ground for achieving the essential purposes of the nation. There is nothing better than mutual confidence for achieving our goal.

We request the United Nations Secretary-General to recommend to the Security Council that it extend the mandate of the United Nations Mission of Observers in Tajikistan.

We express our sincere gratitude to the President of the Islamic State of Afghanistan, Professor Burhanuddin Rabbani, the Special Representative of the Secretary-General of the United Nations for Tajikistan, Mr. Gerd Merrem, and the Governments of the Russian Federation, the Islamic Republic of Iran and all observer States at the inter-Tajik talks for their efforts in arranging this meeting.

(Signed) Emomali Sharipovich RAKHMONOV
President of the Republic
of Tajikistan

(Signed) Said Abdullo NURI
Leader of the United
Tajik Opposition

(Signed) Gerd Dietrich MERREM
Special Representative of the Secretary-General
of the United Nations for Tajikistan

Annex II

[Original: Russian]

Protocol on settlement of the military and political situation in the areas of confrontation, signed in northern Afghanistan on 11 December 1996

The President of the Republic of Tajikistan, Mr. Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. Abdullo Nuri, condemn the recent marked deterioration in the military and political situation in the Karategin Valley and Tavildara areas of the Republic on the eve of their Moscow meeting, and have agreed as follows:

1. Before the signing of the Agreement in Moscow, to halt all military action starting at 00 hours on 12 December 1996;

2. The parties shall withdraw their armed units and formations from the Dushanbe-Khorog highway. Towards Tavildara, they shall establish their posts respectively on both sides of the Karanak pass (the government post in sector N1 and the opposition post in the village of Saridasht). They request the United Nations Mission of Observers in Tajikistan to assign representatives to these posts as observers. Simultaneously, the armed formations of the United Tajik Opposition shall withdraw from the centre of Tavildara to the village of Dashti-Sher. The government forces shall remain on the summit of the Khaburobot pass and in the Labi-Djar locality;

3. The parties shall remove their armed posts on the Dushanbe-Jirgatal highway. The United Tajik Opposition shall withdraw its armed formations from the regional centres of Komsomolabad, Garm, Tajikabad and Jirgatal. The Ministry of Internal Affairs battalion shall remain at Garm at the location where it was previously stationed;

4. As a confidence-building measure, the United Tajik Opposition shall release the military personnel of the government forces taken prisoner or hostage in the course of the recent events in the Tavildara, Komsomolabad, Garm, Tajikabad and Jirgatal regions. The United Nations Mission of Observers in Tajikistan and the International Committee of the Red Cross shall be requested to assist in the conduct of this humanitarian action;

5. For purposes of preventing valuables, weapons, narcotic substances and other items prevented by law from being smuggled in and out, a customs control post shall be established on the border between the Jirgatal region and the Republic of Kyrgyzstan, and also, by the forces of the Government and the United Tajik Opposition, a joint border post;

6. The functioning of the lawful authorities in the territory of Tavildara, Komsomolabad, Garm, Tajikabad and Jirgatal regions shall be restored. In selecting and deploying troops and offices of the organs responsible for internal affairs, preference shall be given to local professionally trained

personnel. The United Tajik Opposition accepts and will not impede the normal functioning of the structures of power;

7. Monitoring of the application of the present Protocol shall be the responsibility of the Joint Commission. The United Nations Mission of Observers in Tajikistan shall be requested to assist in this respect;

8. The Protocol shall enter into force at the time of its signature.

(Signed) Emomali Sharipovich RAKHMONOV
President of the Republic
of Tajikistan

(Signed) Said Abdullo NURI
Leader of the United
Tajik Opposition

(Signed) Gerd Dietrich MERREM
Special Representative of the Secretary-General
of the United Nations for Tajikistan

Annex III

[Original: Russian]

Protocol on refugees, signed in Tehran on 13 January 1997

With a view to overcoming the consequences of the civil war and achieving peace and national accord in the country, and in accordance with the protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995, the joint statement on the results of the fourth round of inter-Tajik talks in Almaty and the appeal by the President of the Republic of Tajikistan, Mr. Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. Abdullo Nuri, to their fellow countrymen who had been forced to leave the country, adopted in Moscow on 23 December 1996, the delegations of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as "the Parties"), have agreed as follows:

1. To step up mutual efforts to ensure the voluntary return, in safety and dignity, of all refugees and displaced persons to their homes, and to complete this process within 12 to 18 months from the date of signature of this Protocol. With a view to ensuring their safety, honour and dignity, the Parties also call upon the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide assistance in order to ensure the safety of returning refugees and displaced persons and to establish and expand their presence at places where such persons are living.

2. The Government of the Republic of Tajikistan assumes the obligation to reintegrate returning refugees and displaced persons into the social and economic life of the country, which includes the provision to them of humanitarian and financial aid, assistance in finding employment and housing and the restoration of all their rights as citizens of the Republic of Tajikistan (including the return to them of dwellings and property and guaranteed uninterrupted service), and not to institute criminal proceedings against returning refugees or displaced persons for their participation in the political confrontation and the civil war, in accordance with the legislative acts in force in the Republic.

3. The Parties have decided to resume the work of the Joint Commission on problems relating to refugees and, within one month from the date of signature of this Protocol, with the assistance of UNHCR, to draw up a statute of the Commission.

4. The Parties have decided to instruct the Joint Commission, with the participation of representatives of local hukumats (executive committees) and the United Tajik Opposition for the period during which this Protocol is being implemented, to visit on a regular basis, in accordance with a separate timetable, refugee camps in the Islamic Republic of Afghanistan, places in the Commonwealth of Independent States (CIS) where there are concentrations of refugees and districts in the Republic of Tajikistan to which refugees and displaced persons intend to return. Similar visits shall be organized by the

Joint Commission to places where displaced persons live in large numbers. The above-mentioned timetable shall be agreed by the Joint Commission within one month from the date of signature of this Protocol.

5. The Parties appeal to the Governments of the CIS States to consider issuing temporary identity documents to refugees from Tajikistan and to assist UNHCR in carrying out additional measures to ensure the safety of refugees and to defend their honour and dignity.

6. The Parties express their sincere gratitude to the United Nations, UNHCR, OSCE, donor countries and the Aga Khan Foundation for their assistance and at the same time make an urgent appeal to them and to the International Monetary Fund, the World Bank, the European Development Bank, the Islamic Bank and the Aga Khan Foundation to provide additional and substantial financial and material support to refugees and displaced persons and to the Joint Commission on problems relating to refugees, and also for the purpose of rehabilitating the national economy destroyed by the war and improving the well-being of the population.

(Signed) Talbak NAZAROV
Head of the delegation
of the Government of the
Republic of Tajikistan

(Signed) Khoja Akbar TURAJONZODAH
Head of the delegation of
the United Tajik Opposition

(Signed) Gerd Dietrich MERREM
Special Representative of the Secretary-General
of the United Nations for Tajikistan

Annex IV

[Original: Russian]

Joint statement by the delegation of the Government of Tajikistan and the delegation of the United Tajik Opposition on the results of the talks held in Tehran from 5 to 19 January 1997

On the instructions of the President of the Republic of Tajikistan, Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, S. Abdullo Nuri, delegations of the parties conducted in Tehran from 5 to 19 January 1997, under United Nations auspices, talks on the issues specified in the agreement and protocol signed by them in Moscow on 23 December 1996. The delegation of the Government of the Republic of Tajikistan was headed by the Minister for Foreign Affairs, Mr. Talbak Nazarov, and the delegation of the United Tajik Opposition by the First Deputy leader of the United Tajik Opposition, Mr. K. Akbar Turajonzodah. The Special Representative of the United Nations Secretary-General for Tajikistan, Mr. Gerd D. Merrem, acted as facilitator in the course of the talks. The talks were attended by observers from the Islamic State of Afghanistan, the Islamic Republic of Iran, Kazakstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan, Uzbekistan, the Organization for Security and Cooperation in Europe (OSCE) and the Organization of the Islamic Conference (OIC).

In accordance with the agreements reached, the parties conducted an in-depth discussion of issues relating to the size of the commission on national reconciliation, who should serve on it and its specific functions and powers. In this context, they reviewed a draft protocol on political problems, of which the agreement and protocol of 23 December 1996 form integral parts.

The parties considered a draft statute of the commission on national reconciliation and agreed on the structure of the statute, as well as on the number of members of the commission - 27 - and its specific functions and powers. Agreement was reached to continue discussion of issues relating to quotas in the commission and guarantees of the safety of its members.

In the course of the round, progress was made in agreeing on the protocol on political problems.

Agreement was reached on three of the four political issues of principle:

(a) The procedure for adoption of the Reciprocal Pardon Act and the Amnesty Act;

(b) The central commission on elections and the conduct of the referendum for the transition period and the quota of representatives of the United Tajik Opposition in its membership;

(c) Reform of the Government and the mechanism for including representatives of the United Tajik Opposition in the power structures in accordance with a quota.

The parties agreed to continue discussion of the question of renewal of the activity of the political parties and movements forming part of the United Tajik Opposition.

For purposes of overcoming the consequences of the civil war and achieving peace and national accord, the parties signed the protocol on refugee questions, which forms an integral part of the general agreement on the establishment of peace in the country. The protocol determines the political and legal parameters for the voluntary return of refugees and forcibly displaced persons to their homes in conditions of safety and dignity, their reintegration into the economic, political and social life of the country and also the restoration of their civil and property rights and the guaranteeing of their security.

The parties agreed to conduct the next round of talks starting on 26 February 1997, in Moscow or Tehran, in line with the invitations of the Russian Federation and the Islamic Republic of Iran.

The parties expressed their deep gratitude to the leadership of the Islamic Republic of Iran for the hospitality and assistance extended for the organization and conduct of the talks in Tehran. They also expressed their gratitude to the representatives of the observer States and international organizations for their cooperation and support in the course of the talks.

The delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition express their sincere appreciation to the Special Representative of the Secretary-General of the United Nations for Tajikistan for his efforts to secure progress in the talks.

(Signed) Talbak NAZAROV
Head of the delegation of
the Republic of Tajikistan

(Signed) Khoja Akbar TURAJONZODAH
Head of the delegation of
the United Tajik Opposition

(Signed) Gerd Dietrich MERREM
Special Representative of the Secretary-General
of the United Nations for Tajikistan